

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHARLES WILLIAMS

Plaintiff

Docket No. 07 cv 7720
(CM) (RLE)

-against-

PALLADIA, INC. and CORINE WORKMAN

ANSWER

Defendant
-----X

Defendants Palladia, Inc. (“ Palladia”) and Corrine Workman, sued herein as “Corine” Workman (“Workman”), collectively referred to herein as the “Defendants” by their attorneys, Davidoff, Malito & Hutcher LLP, answering the complaint of Plaintiff, Charles Williams (“Williams” of “plaintiff”) ,sets forth the following:

1. The initial paragraph representing the statutes under which this action is brought states a legal conclusion for which no answer is required however, to the extent that it makes certain allegations regarding Defendants, Defendants deny such allegations.

2. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph “1” of the Complaint relating to Williams’ address and phone number.

3. Deny the allegations contained in paragraph “2” of the Complaint except admit that Palladia’s corporate offices are located at 2006 Madison Avenue, New York, New York 10035 and that Workman’s office is located at that address.

4. Deny the allegations contained in paragraph 3 of the Complaint except admit that plaintiff was assigned to work at Palladia's Dreitzer House facility located at 325 East 115th Street, New York, New York 10029.

5. Deny the allegations contained in paragraph "4" of the Complaint.

6. Deny the allegations contained in paragraph "5" of the Complaint except aver that Williams was terminated for cause on October 31, 2006.

7. Deny the allegations contained in paragraph "6" of the Complaint.

8. Deny the allegations contained in paragraph "7" of the Complaint.

9. Deny the allegations contained in paragraph "8" of the Complaint except admit that Williams was terminated for cause on October 31, 2006.

10. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "9" of the Complaint.

11. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "10" of the Complaint.

12. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "11" of the Complaint.

13. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph "12" of the Complaint.

AS TO THE "WHEREFORE" CLAUSE

14. Denies all statements and allegations contained therein, including any claim for relief as set forth in the "WHEREFORE" clause.

AFFIRMATIVE DEFENSES

15. Without assuming the burden of proof as to any of the following defenses where the law does not impose such a burden on Defendants, Defendants asserts the following defenses.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

16. The Complaint fails to state a claim upon which relief can be granted against Palladia under Title VII of the Civil Rights Act of 1964 as amended.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

17. The Complaint fails to state a claim upon which relief can be granted against Defendants under the New York State Human Rights Law.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

18. Plaintiff's claims are barred in whole or in part by the doctrines of laches, estoppel and waiver.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

19. Plaintiff's claims are barred in whole or in part because of Plaintiff's failure to mitigate his damages.

AS AND FOR AN FIFTH AFFIRMATIVE DEFENSE

20. At all times relevant hereto, Defendants have acted in good faith and have not violated any rights which may be secured to Plaintiff under federal, state or local laws, rules, regulations or guidelines.

AS AND FOR AN SIXTH AFFIRMATIVE DEFENSE

21. Plaintiff has failed to plead that any of Defendants' actions were willful.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

22. Defendant did not willfully commit any violation of either Title VII or the New York State Human Rights Law.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

23. Defendants did not engage in any of the alleged unlawful discriminatory conduct referred to in the Complaint.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

24. Any actions taken by Defendants in relation to plaintiff's unemployment were taken by Defendants for legitimate, non-discriminatory reasons irrespective of any illegal discrimination.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

25. Defendants did not engage in any of the alleged unlawful discriminatory practices referred to in the Complaint and plaintiff cannot recover punitive damages under Title VII because Defendants did not, at any relevant time, intend to violate any law relating to discrimination in employment on the basis of gender nor were they consciously indifferent to whether they violated any such laws or rights of plaintiff under such laws.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

26. At all times defendants engaged in good faith efforts to comply with their obligations under Title VII and the New York State Human Rights Law and all other applicable laws relating to discrimination because of gender.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

27. Plaintiff's claims are barred by the applicable statutes of limitations.

WHEREFORE, Defendants respectfully requests that the Court:

- a. Dismiss Plaintiff's Complaint in its entirety, with prejudice.
- b. Deny each and every demand and prayer for relief contained in the Complaint.
- c. Award Defendants reimbursement for the reasonable attorneys' fees and costs as may be determined by the Court; and
- d. Grant Defendants such other and further relief as the Court deems just and proper.

Dated: Garden City, New York
January 8, 2008

DAVIDOFF MALITO & HUTCHER LLP

By: 

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